

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 106

HOUSE BILL 2047

AN ACT

AMENDING SECTION 29-313, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1443.01; AMENDING SECTION 41-1445, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 10, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1460.06; RELATING TO THE SECRETARY OF STATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 29-313, Arizona Revised Statutes, is amended to
3 read:

4 29-313. Filing in office of secretary of state; acceptance

5 A. Two signed copies of the certificate of limited partnership and of
6 any restated certificate of limited partnership or any certificates of
7 amendment or cancellation or of any judicial decree of amendment or
8 cancellation shall be delivered to the secretary of state. A person who
9 executes a certificate as an agent or fiduciary need not exhibit evidence of
10 his authority as a prerequisite to filing. Unless the secretary of state
11 finds that any certificate does not conform to the filing provisions of this
12 chapter, upon receipt of all filing fees required by law, he shall:

13 1. Endorse on each duplicate original the word "filed" and the day,
14 month and year of the filing thereof;

15 2. File one duplicate original or a copy of the original in his
16 office; and

17 3. Return the other duplicate original to the person who filed it or
18 his representative.

19 B. Upon the filing of a certificate of amendment or judicial decree
20 of amendment or restated certificate of limited partnership containing an
21 amendment in the office of the secretary of state, the certificate of limited
22 partnership shall be amended as set forth therein, and upon the effective
23 date of a certificate of cancellation or a judicial decree thereof, the
24 certificate of limited partnership is cancelled.

25 C. If the secretary of state is unable to complete the determination
26 required by subsection A on the day a certificate is delivered for filing,
27 the certificate shall be deemed to have been filed on the day of delivery if
28 the secretary of state subsequently determines that:

29 1. The certificate as delivered conforms to the filing provision of
30 this chapter; or

31 2. Within twenty days after notification of nonconformance is given
32 by the secretary of state, the certificate is brought into conformance.

33 D. If a certificate required to be filed pursuant to this chapter is
34 incorporated within a limited partnership agreement or a restated or amended
35 limited partnership agreement, and not set forth separately, a written
36 statement shall also be delivered specifying where the applicable information
37 required for the filing of the certificate is located in the document.

38 E. ANY DOCUMENT THAT IS REQUIRED TO BE FILED PURSUANT TO THIS CHAPTER
39 MAY BE FILED IN AN ELECTRONIC FORMAT THAT IS APPROVED BY THE SECRETARY OF
40 STATE.

41 F. ANY DOCUMENT THAT IS FILED IN ACCORDANCE WITH THIS SECTION IS
42 DEEMED TO COMPLY WITH:

43 1. THE FILING REQUIREMENTS OF THIS CHAPTER.

44 2. THE REQUIREMENT THAT A FILING BE VERIFIED OR BE SUBMITTED WITH A
45 WRITTEN SIGNATURE.

1 3. ANY REQUIREMENT THAT THE FILING BE FILED UNDER THE PENALTY OF
2 PERJURY.

3 G. THE SECRETARY OF STATE MAY ADOPT RULES REQUIRING THAT ANY PERSON
4 THAT SUBMITS A DOCUMENT FOR FILING PURSUANT TO THIS SECTION ALSO SUBMIT A
5 WRITTEN OR PRINTED COPY OF THE DOCUMENT AS A PREREQUISITE TO THE DOCUMENT
6 BEING DEEMED FILED.

7 H. EXCEPT AS PROVIDED IN THIS SECTION, ALL CIVIL AND CRIMINAL STATUTES
8 APPLICABLE TO THE FILING OF PAPER DOCUMENTS APPLY TO ALL DOCUMENTS FILED
9 PURSUANT TO THIS SECTION.

10 Sec. 2. Title 44, chapter 10, article 3, Arizona Revised Statutes, is
11 amended by adding section 44-1443.01, to read:

12 44-1443.01. Electronic filing; acceptance

13 A. ANY DOCUMENT THAT IS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE
14 MAY BE FILED IN AN ELECTRONIC FORMAT THAT IS APPROVED BY THE SECRETARY OF
15 STATE.

16 B. ANY DOCUMENT THAT IS FILED IN ACCORDANCE WITH THIS SECTION IS
17 DEEMED TO COMPLY WITH:

18 1. THE FILING REQUIREMENTS OF THIS ARTICLE.

19 2. THE REQUIREMENT THAT A FILING BE VERIFIED OR BE SUBMITTED WITH A
20 WRITTEN SIGNATURE.

21 3. ANY REQUIREMENT THAT THE FILING BE FILED UNDER THE PENALTY OF
22 PERJURY.

23 C. THE SECRETARY OF STATE MAY ADOPT RULES REQUIRING THAT ANY PERSON
24 THAT SUBMITS A DOCUMENT FOR FILING PURSUANT TO THIS SECTION ALSO SUBMIT A
25 WRITTEN OR PRINTED COPY OF THE DOCUMENT AS A PREREQUISITE TO THE DOCUMENT
26 BEING DEEMED FILED.

27 D. EXCEPT AS PROVIDED IN THIS SECTION, ALL CIVIL AND CRIMINAL STATUTES
28 APPLICABLE TO THE FILING OF PAPER DOCUMENTS APPLY TO ALL DOCUMENTS FILED
29 PURSUANT TO THIS SECTION.

30 Sec. 3. Section 44-1445, Arizona Revised Statutes, is amended to read:

31 44-1445. Duration of registration; renewal notice; application
32 and fee

33 A. Registration of a mark under the provisions of this article shall
34 be effective for a term of ten years from the date of registration. Upon
35 application filed within three SIX months prior to the expiration of such
36 term, on a form to be furnished by the secretary of state, the registration
37 may be renewed for a like term. A mark registration may be renewed for
38 successive periods of ten years in a like manner.

39 B. The secretary of state shall notify registrants of marks under this
40 article of the necessity of renewal within the year next preceding the
41 expiration of the ten years from the date of registration by writing to the
42 last known address of the registrants.

1 C. Any registered mark expires ten years from the date of the
2 registration, or of the last reregistration thereof, and may be reregistered
3 by filing an application with the secretary of state on a form furnished by
4 the secretary of state and paying the renewal fee therefor within three SIX
5 months prior to the expiration of the registration.

6 Sec. 4. Title 44, chapter 10, article 3.1, Arizona Revised Statutes,
7 is amended by adding section 44-1460.06, to read:

8 44-1460.06. Electronic filing; acceptance

9 A. ANY DOCUMENT THAT IS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE
10 MAY BE FILED IN AN ELECTRONIC FORMAT THAT IS APPROVED BY THE SECRETARY OF
11 STATE.

12 B. ANY DOCUMENT THAT IS FILED IN ACCORDANCE WITH THIS SECTION IS
13 DEEMED TO COMPLY WITH:

14 1. THE FILING REQUIREMENTS OF THIS ARTICLE.

15 2. THE REQUIREMENT THAT A FILING BE VERIFIED OR BE SUBMITTED WITH A
16 WRITTEN SIGNATURE.

17 3. ANY REQUIREMENT THAT THE FILING BE FILED UNDER THE PENALTY OF
18 PERJURY.

19 C. THE SECRETARY OF STATE MAY ADOPT RULES REQUIRING THAT ANY PERSON
20 THAT SUBMITS A DOCUMENT FOR FILING PURSUANT TO THIS SECTION ALSO SUBMIT A
21 WRITTEN OR PRINTED COPY OF THE DOCUMENT AS A PREREQUISITE TO THE DOCUMENT
22 BEING DEEMED FILED.

23 D. EXCEPT AS PROVIDED IN THIS SECTION, ALL CIVIL AND CRIMINAL STATUTES
24 APPLICABLE TO THE FILING OF PAPER DOCUMENTS APPLY TO ALL DOCUMENTS FILED
25 PURSUANT TO THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 11, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2001.

Passed the House February 14, 2001,


Passed the Senate April 2, 2001,


by the following vote: 58 Ayes,

by the following vote: 29 Ayes,


0 Nays, 2 Not Voting

0 Nays, 1 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2047

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 5, 2001,

by the following vote: 50 Ayes,

0 Nays, 10 Not Voting

Jack Flake
Speaker of the House
Pro Tempore
Spencer L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of April, 2001

at 9:32 o'clock A M.

Andres Ramirez
Secretary to the Governor

Approved this 11 day of

April, 2001,

at 8:34 o'clock P M.

Jan V. Lee
Governor of Arizona

H.B. 2047

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12 day of April, 2001,

at 3:30 o'clock P M.

Robert Taylor
Secretary of State